

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WIVES AND MOTHERS OF PRISONERS OF THE STATE,

Case No. C05-5657RJB

Plaintiff,

ORDER

V.

WALTER WEINBERG, et al.,

Defendant.

This matter comes before the court on an appeal of an order of the magistrate judge and request that the case be reassigned. Dkt. 5. The court has considered the relevant documents and the remainder of the file herein.

On October 3, 2005, a complaint was filed, captioned “Wives and Mothers of the Prisoners of the State v. Walter Weinberg & Henry Richards.” Dkt. 1. The complaint was signed by Richard Roy Scott. *Id.* A motion to proceed *in forma pauperis* (IFP), captioned WMPS Inc. v. Walter Weinberg et al, was filed along with the complaint. *Id.* The IFP application represented that WMPS has less than \$1000 to operate and that it is a Washington nonprofit corporation. *Id.* The IFP application stated: “I swear this is true. Director WMPS [,] Richard Roy Scott.” *Id.* The case was referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4.

On October 26, 2005, Judge Strombom issued an Order to Show Cause, requiring that plaintiff cure deficiencies in the IFP application by filing, no later than November 26, 2005, (a) (i) documentation establishing that it is a Washington State non-profit corporation in current good standing or that it

1 otherwise is currently authorized to do business as such in the state of Washington, and (ii) documentation
 2 showing its actual income and expenses for the past six months, and (b) the written consent required by
 3 Local Rule CR3(b)(2). Dkt. 3.

4 On November 10, 2005, the court received the following documents: (1) Appeal to chief Judge of
 5 order Dkt. #3 [;] Request that the case be assigned to a Judge (Judge Lasnik); (2) Plaintiff's Written
 6 Consent for Payment of Costs From [sic]...WMPS Inc [,] Director Richard Roy Scott pro se"; (3)
 7 Application to Form a Nonprofit Corporation by Wives and Mothers of Prisoners of the State (WMPS),
 8 filed with the Secretary of the State of Washington March 31, 2005, with Richard Roy Scott identified as
 9 the person to contact about the filing; (4) two pages that appear to be statements from Great NorthWest
 10 Federal Credit Union, addressed to Richard R. Scott. Dkt. 5.

11 **1. Appeal to Chief Judge of Order of Magistrate Judge and Request that the Case be**
 12 **Reassigned.** This document begins with the following statement: "Come now WMPS Inc by and thought
 13 [sic] it's [sic] Director Richard Roy Scott and objects to the delaying tactic of Magistrate Karen
 14 Strombom." Dkt. 5, at 1. The document apparently requests that the case be reassigned to a federal
 15 judge, "preferably not in the Tacoma Court." *Id.* at 2. The document was apparently signed, and the
 16 signature was identified as follows: "Wives and Mothers of Prisoners of the State [;] Director Richard Roy
 17 Scott, Pro Se." *Id.* at 3.

18 To the extent that this document requests that Chief Judge Lasnik reassign the case, that request is
 19 not properly before Judge Lasnik. The case has been assigned to the undersigned judge, and a motion or
 20 request related to this case will be ruled upon by the undersigned judge. The document essentially requests
 21 that the referral to Judge Strombom be vacated, but the reasons given in the document are insufficient.
 22 The document is not considered a motion to recuse Judge Strombom because the document does not
 23 comply with Local Rule GR 8 and 28 U.S.C. § 144.

24 **2. Application to Proceed In Forma Pauperis.** Among the documents received by the court on
 25 November 10, 2005, are two pages of financial information from Great NorthWest Federal Credit Union,
 26 apparently regarding Mr. Scott's personal account. Dkt. 1. The statement shows that, as of September
 27 30, 2005, the account had a balance of \$750.95. *Id.* This information does not show anything about the
 28 financial status of the nonprofit corporation that is named as the plaintiff in this action. Accordingly, there

1 has not been a sufficient showing that the named plaintiff merits a court order permitting it to proceed *in*
2 *forma pauperis*. The application to proceed *in forma pauperis* should be denied.

3 **3. Prosecution of Case on Behalf of Nonprofit Corporation.** Assuming that "Wives and
4 Mothers of Prisoners of the State" is a *bona fide* nonprofit corporation in the state of Washington, no
5 attorney has appeared on behalf of the corporation. Richard Roy Scott has signed or attested to every
6 document filed in this case, purportedly as director of the corporation.

7 Although a nonattorney may appear *pro se* on behalf of himself, he has no authority to appear as an
8 attorney for others. *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987); *Johns v.*
9 *County of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997). Unless compelling circumstances are presented, a
10 corporation must be represented by an attorney in federal court. *See In re Highley*, 459 F.2d 554, 555-56
11 (9th Cir.1972); *Taylor v. Knapp*, 871 F.2d 803, 806 (9th Cir.1989); *Shell Petroleum v. Graves*, 709 F.2d
12 593, 594 (9th Cir.1983); *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993).

13 Mr. Scott is attempting to prosecute this case *pro se*, ostensibly as director of the nonprofit
14 corporation that is named as the plaintiff in this case. He may not appear on behalf of the corporation
15 unless there are compelling circumstances. No compelling circumstances are present in this case. Mr.
16 Scott has been sanctioned for abusive litigation tactics in numerous cases he has filed in this court, and the
17 court has severely restricted the circumstances under which he may file and prosecute cases. *See C04-*
18 *5147RJB, C04-5521FDB, C04-5365RJB, C04-5574RBL, C04-5582RBL, C04-5598RBL, C04-5707RBL,*
19 *C04-5813RJB, C04-5813RJB, C04-5896RBL, and C04-5505FDB*. This transparent attempt to file a case
20 under the auspices of a nonprofit corporation is an attempt to circumvent restrictions placed upon Mr.
21 Scott by this court, and such tactics will not be condoned by the court. There are no exceptional
22 circumstances that would warrant this court permitting Mr. Scott to prosecute this action on behalf of a
23 corporation that he registered with the State of Washington. Further, Mr. Scott is hereby informed that
24 further attempts to circumvent this court's restrictions will result in sanctions.

25 The appeal of the order of the magistrate judge and request that the case be reassigned should be
26 denied. The application to proceed *in forma pauperis* should be denied, and this case should be dismissed
27 on the basis that Mr. Scott may not prosecute this action on behalf of a corporation.

28 Therefore, it is hereby

ORDERED that the appeal of the order of the magistrate judge and request that the case be reassigned (Dkt. 5) is **DENIED**. The application to proceed in forma pauperis (Dkt. 1) is **DENIED**. This case is **DISMISSED**. The court will entertain no further motions or requests in this case.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address. The Clerk is further directed to send copies of this Order to Chief Judge Lasnik and to Magistrate Judge Strombom.

DATED this 29th day of November, 2005.

Robert G. Bryan

Robert J. Bryan
United States District Judge